IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 10985 of 2000

Dated : 16.8.2005

Between:

A.P. State Road Transport Corporation,

Mushirabad, Hyderabad, rep. by its

Managing Director.

.. Petitioner

and

State Transport Appellate Tribunal,

A.P., Hyderabad, rep. by its Presiding Officer

and others.

.. Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 10985 of 2000

ORDER:

Assailing the order dated 31.3.1999 passed in A.P.No.540 of 1998 by the 1st respondent in setting aside the order in R.No. 1736/A1/96 dated 18.4.1998 of the 2nd respondent and directing issue of town service permit to 3rd respondent, the present writ petition is filed.

The grievance of the petitioner in this writ petition is that 1st respondent vide impugned order granted stage carriage permit to the 3rd respondent contrary to Rule 258(2) of A.P.M.V. Rules, 1989. It is his case that the route in question is not determined as a town service route and determination of route as a town service route is a condition precedent for grant of permit and the route in question is not an existing route and therefore, the grant of permit to 3rd respondent is illegal, without jurisdiction and invalid.

The learned counsel for petitioner submits that the route in question overlaps the notified routes of Machilipatnam - Visakhapatnam approved in G.O.Ms.No.782 dated 13.6.1972 and therefore, the 1st respondent-Tribunal ought not to have granted permit to 3rd respondent. The learned counsel however, fairly concedes that the 1st respondent-Tribunal passed the impugned order based upon the decision of this Court in W.P.Nos.2878 and 2879 of 1996 on the very same issue and regarding the same route, which decision was also confirmed by a Division Bench of this Court.

The 2nd respondent filed counter affidavit stating that the route in question is an existing route and will not touch the notified route in G.O.Ms.No.782 dated 13.6.1972 and hence, the impugned order of the 1st respondent-Tribunal is legal and as per M.V.Act and Rules.

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

Having regard to the facts and circumstances of the case and in view of the fact that the impugned order of the 1st respondent granting stage carriage permit to 3rd respondent is based upon the Division Bench decision of this Court, I see no reason to interfere with the same.

The writ petition is accordingly dismissed. No costs.

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N.V.RAMANA, J

Date: 16.8.2005

DA/TVK